

## **REMARKS**

### **Allowable Subject Matter**

Applicants gratefully acknowledge the Examiner's indication that claim 12 is allowable.

### **Amendments**

The claims are amended to use language in accordance with conventional U. S. practice. Claims 1 and 5 are amended to recite that the R<sup>7</sup> alkylene group is optionally substituted by one or more COOH groups, and that the R<sup>8</sup> alkyl group is optionally substituted by one or more COOH groups. See, e.g., page 8, line 9 – page 9, line 12. Claims 2 and 5 are amended to recite that the R<sup>10</sup> and R<sup>11</sup> alkyl and aryl groups are optionally substituted by one or more hydroxyl, sulfonic acid groups, halogen atoms, or combinations thereof. See, e.g., page 14, lines 28-34. Claim 12 is amended to expressly recite the basis for the 100 parts by weight. See, e.g., page 15, lines 15-21.

Claim 16 is amended to recite that the carboxyl group content of the polyacetal, relative to the total weight of cross-linked polyacetal, is less than 10.0 wt%. See, e.g., page 17, lines 7-13.

Prior “use” claims 20 and 22 are amended to be directed to a laminated safety glass and an ionically conductive intermediate layer for electrochromic systems.

New claims 23-38 are directed to further aspects of applicants' invention and are supported throughout the disclosure. See, e.g., page 8, line 9- page 9, line 12; page 10, lines 11-15; page 10, lines 31-35; page 11, lines 13-20; page 13, lines 27-30; page 14, lines 1-7; page 14, line 34 – page 15, line 6; page 17, lines 25-30; and page 18, lines 10-33.

### **Objection to claims 5 and 8-12**

Claim 5 is amended to change “On0umber” to “number.” Withdrawal of the objection is respectfully requested.

### **Rejections of claims 20 and 22 under 35 USC 112, second paragraph and 35 USC 101**

Claims 20 and 22 are amended so as to no longer “use” claims. Claim 20 is directed

to a laminated safety glass and claim 22 is directed to an ionically conductive intermediate layer for electrochromic systems. Withdrawal of the rejection is respectfully requested.

**Rejection of claim 16 under 35 USC 112, second paragraph**

Claim 16 is amended to recite that the carboxyl group content of the polyacetal, relative to the total weight of cross-linked polyacetal, is less than 10.0 wt%. See, e.g., page 17, lines 7-13. Withdrawal of the rejection is respectfully requested.

**Rejection under 35 USC 102(b) in view of Fuss et al.**

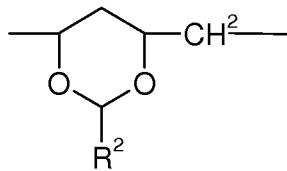
Claims 1-11 and 15 are rejected as allegedly being anticipated in view of Fuss et al. (US 6,808,858). This rejection is respectfully traversed.

Fuss et al. disclose a photosensitive composition that comprises (i) at least one, diazonium polycondensate or at least one system capable of free radical polymerization; (ii) at least one binder; and optionally one or more exposure indicators, one or more dyes for increasing the image contrast, and one or more acids for stabilizing the photosensitive composition. See column 3, lines 16-28.

The binder is said to essentially comprise units A, B, C and D. Unit A is present in an amount of from 0.1 to 25 mol %, and is of the formula: -CH<sub>2</sub>-CH(OCOR<sup>1</sup>)-, wherein R<sup>1</sup> is hydrogen atom, an aliphatic hydrocarbon radical having 1 to 4 carbon atoms which may be unsubstituted or substituted, or an aromatic radical which may be unsubstituted or substituted.

Unit B is present in an amount of from 0.1 to 60 mol %, and is of the formula: -CH<sub>2</sub>-CH(OH)-.

Unit C is present in an amount of from 10 to 80 mol %, and is of the formula:



in which R<sup>2</sup> is a hydrogen atom, an alkyl radical having from 1 to 10 carbon atoms which may be unsubstituted or substituted, or an aryl group which may be unsubstituted or substituted. Finally, Unit D is present in an amount of from 1 to 20 mol and is of the formula: -CH<sub>2</sub>-CH(COOH)(R<sup>3</sup>)-, wherein R<sup>3</sup> is a hydrogen atom or alkyl radical having 1 to 10 carbon atoms, which may be unsubstituted or substituted by a carboxyl group. See column 3, line 24

– column 4, line 21.

Fuss et al. characterize the binder as “a polyvinyl alcohol which contains a carboxyl group bonded directly to the main chain and some of whose OH groups are acetalated.” See column 4, lines 40-43. In Preparation Examples 1-6 the binder polymer of the invention is made by reacting a copolymer of vinyl alcohol ( $\text{CH}_2=\text{CHOH}$ ), vinyl acetate ( $\text{CH}_3\text{COOCH}=\text{CH}_2$ ), and acrylic acid ( $\text{CH}_2=\text{CH-COOH}$ ) with butyraldehyde ( $\text{CH}_3\text{CH}_2\text{CH}_2\text{-CHO}$ ) or butyraldehyde and acetaldehyde ( $\text{CH}_3\text{-CHO}$ ).

The rejection refers to, among other things, unit D of Fuss et al., i.e.,  $-\text{CH}_2\text{-CH}(\text{COOH})(\text{R}^3)\text{-}$ . Contrary to the assertion in the rejection, this unit does not anticipate or suggest the monomer units of applicants group (d), nor does it suggest any of applicants' groups (a)-(c).

Further, the rejection fails to demonstrate where or how the Fuss et al. disclose reaction of a polyvinylacetal with a polyaldehyde in accordance with applicants' formula (5). Nor does the rejection demonstrate where or how Fuss et al. disclose crosslinking a polyvinylacetal in accordance with applicants' claimed invention. The rejection is also silent as to where or how Fuss et al. disclose at least partially esterifying groups in accordance with applicants' formula (1) and formula (4a) of polymer (A1).

To establish anticipation, the rejection must indicate where the asserted anticipatory reference discloses each feature of the rejected claim. See, e.g., *Ex parte Levy*, 17 USPQ2d 1461, 1462 (POBA 1990) [“”Moreover, it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference.”]. As is evident from the above remarks, the rejection fails to indicate where Fuss et al. disclose many features of applicants' claims.

In view of the above remarks, it is respectfully submitted that Fuss et al. fails to anticipate applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

#### **Rejection under 35 USC 103 (a) in view of Fuss et al. and D'Alelio**

Claims 13, 14, 18-20, and 22 are rejected as allegedly being obvious in view of Fuss et al. (US 6,808,858) and D'Alelio (US 2,332,899). This rejection is respectfully traversed.

Firstly, it should be noted that the rejection at page 7 of the June 27, 2008 Office

Action cites the reference “D’Alelio (U. S. Patent 2,332,889).” This is the incorrect Patent No. for the D’Alelio reference. Counsel wishes to thank Examiner Bernshteyn for providing the correct Patent No. in a telephone call on September 9, 2008.

In the rejection, it is acknowledged that the primary reference Fuss et al. do not disclose performing thermal crosslinking in an extruder, kneading unit, or another heatable unit. Further, it is acknowledged that Fuss et al. do not disclose molding a compound containing vinyl acetal, and do not disclose using a composition as a film of a film for laminating safety glass.

In this regard, the rejection relies on the disclosure of D’Alelio. However, the disclosure of D’Alelio does not overcome the previously discussed deficiencies in the Fuss et al. disclosure with respect to the claimed subject matter. For example, D’Alelio provides no suggestion reacting a polyvinylacetal with a polyaldehyde in accordance with applicants’ formula (5). Nor does the D’Alelio disclose crosslinking a polyvinylacetal in accordance with applicants’ claimed invention. Similarly, D’Alelio does not disclose at least partially esterifying groups in accordance with applicants’ formula (1) and formula (4a) of polymer (A1).

Additionally, with respect to claims 13, 14, and 18, the rejection refers to the disclosure of D’Alelio at page 8, right column, lines 9-15. This portion of the disclosure indicates that the molding composition can be molded, extruded or injected at elevated temperatures. The disclosure does not state that describe performing cross-linking in an extruder, kneading device or another heatable unit.

In view of the above remarks, it is respectfully submitted that Fuss et al., taken alone or in combination with D’Alelio, fails to render obvious applicants’ claimed invention. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Brion P. Heaney/

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Brion P. Heaney, Reg. No. 32,542  
Attorney for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
Arlington Courthouse Plaza 1  
2200 Clarendon Boulevard, Suite 1400  
Arlington, VA 22201  
Direct Dial: 703-812-5311  
Facsimile: 703-243-6410  
Attorney Docket No.:KURARAY-8

Date: September 10, 2008